REMARKS

Claims 6 - 11, 20, 23 - 33, and 35 - 52 are pending. Claims 6 - 11, 20, 28, 31, 37, and 38 have been amended. Claims 1 - 3 have been cancelled. Claims 42 - 52 have been added. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

In the June 4, 2004 Office Action, the Examiner indicated that claims 28 - 31 are allowable. The Examiner also indicated that claim 37 is objected to, but would be allowable if written in independent form.

Claims 28 and 37 have been rewritten in independent form, including all the limitations of the base claim and any intervening claims. Accordingly, applicants respectfully submit that claims 28 and 37 are in condition for allowance.

New independent claims 42 and 45 recite limitations similar to allowable claims 28 and 37, both as amended. Accordingly, applicants respectfully submit that independent claims 42 and 45 are in condition for allowance.

Dependent claims 29 - 30, 43 - 44, and 46 - 47 depend, directly or indirectly, on independent claims 28, 42, and 45, respectively. Accordingly, applicants respectfully submit that claims 29 - 30, 43 - 44, and 46 - 47 are in condition for allowance.

Claim 31 has been written in independent form, including all the limitations of the base claim and any intervening claims. Accordingly, applicants respectfully submit that claim 31 is in condition for allowance.

New independent claims 48 and 51 recite limitations similar to allowable claim 31. Accordingly, applicants respectfully submit that independent claims 48 and 51 are in condition for allowance.

14

Dependent claims 6 - 11, 49, and 50 depend, directly or indirectly, on

independent claims 31 and 38. Accordingly, applicants respectfully submit that claims

6 - 11, 49, and 50 are in condition for allowance.

In the June 4, 2004 Office Action, the Examiner rejected claims 1 - 3, 6 - 10, 20,

23 - 26, 32 - 36, and 38 - 40 under 35 U.S.C. § 102(e) as being anticipated by U.S.

Patent No. 6,360,269 to Mamros et al. (the Mamros reference). The Examiner rejected

claims 11, 27, and 41 under 35 U.S.C. § 103(a) as being unpatentable over the

Mamros reference and the Examiner taking Official Notice that switching the server

system to a second server system when the server system becomes non-operation is

well-known in the art of networking. Claims 1 - 3 have been cancelled. Claims 6 - 11

now depend from independent claim 31. These rejections are respectfully traversed in

so far as the rejections apply to the pending claims.

New Claim 52 recites:

> A method of securing traffic communication between a client
> system and a server system, comprising:
> executing a first key exchange process between the server system
> and the client system if the client system is in an operational state;
> storing results of the first key exchange process in the client
> system;
> inhibiting the stored results from being updated until a successful
> execution of a second key exchange process between the server system
> and the client system; and
> using the stored results of the first key exchange process to secure
> the traffic communication if the second key exchange process is not
> successful because the client system becomes non-operational **even if a
> security parameter refresh timer has elapsed and no
> acknowledgment signal is received**.

The Mamros reference is directed to a method and apparatus for determining the

reachability of a remote computer through a secured communications link through the

Internet. The Examiner states that the Mamros reference discloses that the security

association is not torn down until the timeout exception occurs which is only after the renegotiation request. *(Office Action, page 5)*. Specifically, the Mamros reference discloses that 1) secured communications are established between a local and a remote box; 2) that security policies are renegotiated between local and remote boxes; 3) that the system checks to see if there has been any communications between the local and remote boxes in the past N minutes, i.e., checks to see if a timeout has elapsed; 4) sends a protected keepalive message from the local box to the remote box if the timeout has elapsed; and 5) <u>discontinues secured communications between local and remote boxes if no protected acknowledgment to the keepalive message is received.</u> *(Mamros, Fig. 4, col. 8, line 23 - col. 9, line 20)*.

This is not the same as a method to secure traffic communications between a client system and a server system, including executing a first key exchange process, storing results of the first key exchange process in the client system, inhibiting the stored results from being updated and using the stored results of the first key exchange process to secure the traffic communication if the second key exchange process is not successful because the client system is non-operational **even if a security parameter refresh timer has elapsed and no acknowledgment signal is received**. It is not the same because as the Mamros disclosure and the Examiner both highlight, the Mamros reference <u>discontinues secured communications between a local and remote box event if the refresh time(r) has timed-out, i.e., no communication is received between the local and remote boxes in the past N minutes, and the protected acknowledgement is not received in response to the keepalive message</u>. Accordingly, applicants respectfully submit that independent claim 52 distinguishes over the Mamros reference.

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Independent claims 20, 32, and 38, all as amended, recite limitations similar to independent claim 52. Accordingly, applicants respectfully submit that independent claims 20, 32, and 38, all as amended, distinguish over the Mamros reference for similar reasons to those discussed above in regard to independent claim 52, as amended.

Claims 23 - 27, 33, 35 - 36, and 39 - 41 depend, directly or indirectly, on independent claims 20, 32, 38, and 52. Accordingly, applicants respectfully submit that claims 23 - 27, 33, 35 - 36, and 39 - 41 all distinguish over the Mamros reference for the same reasons as discussed above in regard to independent claim 52.

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Applicants believe that the claims are in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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18